

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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ELI LILLY AND COMPANY,	:
	: Honorable Dennis M. Cavanaugh, U.S.D.J.
	:
Plaintiff,	: Civil Action No. 07 CV 3770 (DMC) (MF)
	:
v.	:
	:
ACTAVIS ELIZABETH LLC, GLENMARK	: DEFENDANTS' NOTICE OF MOTION
PHARMACEUTICALS INC., USA, SUN	: TO STRIKE EVIDENCE AND
PHARMACEUTICAL INDUSTRIES LTD.,	: ARGUMENT RELATED TO FDA
SANDOZ INC., MYLAN	: AUTHORIZATION OR REVIEW
PHARMACEUTICALS INC., APOTEX INC.,	: BOARD APPROVAL OF THE MGH
AUROBINDO PHARMA LTD., TEVA	: PILOT STUDY OFFERED TO SUPPORT
PHARMACEUTICALS USA, INC.,	: UTILITY
SYNTHON LABORATORIES, INC., ZYDUS	:
PHARMACEUTICALS, USA, INC.,	:
	: Oral Argument Requested
	:
Defendants.	: Return Date: To be set by the Court
_____	x

TO:

John F. Brenner
Melissa Anne Chuderewicz
PEPPER HAMILTON LLP
Suite 400
301 Carnegie Center
Princeton, New Jersey 08543-5276
(609) 452-0808

Laura P. Masurovsky
Robert D. Bajefsky
M. Andrew Holtman
Krista E. Bianco
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
901 New York Avenue, N.W.
Washington, DC 20001-4413
(202) 408-4000

Charles E. Lipsey
L. Scott Burwell
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
Two Freedom Square
11955 Freedom Drive
Reston, Virginia 20190
(571) 203-2700

Jennifer S. Swan
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
3300 Hillview Avenue
Palo Alto, California 94304
(650) 849-6600

Attorneys for Plaintiff

PLEASE TAKE NOTICE that, on a date and time to be set by the Court, the undersigned counsel for Sun Pharmaceutical Industries Limited, Sandoz Inc., Mylan Pharmaceuticals Inc., Apotex Inc., and Aurobindo Pharma Ltd. (collectively, “Defendants”) shall move before the Honorable Dennis M. Cavanaugh, U.S.D.J., at the Frank R. Lautenberg U.S. Post Office & Courthouse, 1 Federal Square, Newark, New Jersey 07101, for entry of an Order granting Defendants’ Motion to Strike Evidence and Argument Related to FDA Authorization or Review Board Approval of the MGH Pilot Study Offered to Support Utility, and striking all trial testimony, deposition testimony, trial exhibits and argument, as listed in Exhibit A to the supporting Declaration of James S. Richter.

PLEASE TAKE FURTHER NOTICE that Defendants rely upon the Brief and Declaration of James S. Richter submitted herewith.

PLEASE TAKE FURTHER NOTICE that Defendants respectfully request oral argument.

WINSTON & STRAWN LLP
Attorneys for Defendant
Sun Pharmaceutical Industries Ltd.

By: s/ James S. Richter
James S. Richter
jrichter@winston.com
Melissa Steedle Bogad
mbogad@winston.com

Dated: June 21, 2010

OF COUNSEL:
James F. Hurst
WINSTON & STRAWN LLP
35 West Wacker Drive
Chicago, IL 60601

Gail J. Standish
Peter E. Perkowski
WINSTON & STRAWN LLP
333 S. Grand Avenue
Los Angeles, CA 90071

Jovial Wong
WINSTON & STRAWN LLP
1700 K Street, NW
Washington, DC 20006

HILL WALLACK LLP
Attorneys for Defendant
Sandoz Inc.

By: s/ Eric I. Abraham
Eric I. Abraham
eia@hillwallack.com

OF COUNSEL:

Keith V. Rockey
Kathleen A. Lyons
Joseph A. Fuchs
ROCKEY, DEPKE, & LYONS, LLC
Sears Tower, Suite 5450
233 South Wacker Drive
Chicago, IL 60606

SAIBER LLC
Attorneys for Defendant
Mylan Pharmaceuticals Inc.

By: s/ Arnold B. Calmann
Arnold B. Calmann
abc@saiber.com

OF COUNSEL:

Thomas Parker
Victoria Spataro
ALSTON & BIRD
90 Park Avenue
New York, NY 10016-1387

LOCKE LORD BISSELL & LIDDELL LLP
Attorneys for Defendant
Apotex Inc.

By: s/ Alan B. Clement
Alan B. Clement
aclement@lockelord.com
Joseph N. Froehlich
jfroehlich@lockelord.com
David G. Greene
dgreene@lockelord.com
Andrea Wayda
awayda@lockelord.com

OF COUNSEL:

Scott B. Feder
Keith D. Parr
Kevin M. Nelson
David B. Abramowitz
Myoka Kim Goodin
LOCKE LORD BISSELL & LIDDELL LLP
111 S. Wacker Drive
Chicago, IL 60606

CARELLA, BYRNE, CECCHI, OLSTEIN,
BRODY & AGNELLO, P.C.
Attorneys for Defendant
Aurobindo Pharma Ltd.

By: s/ Melissa E. Flax
Melissa E. Flax
mflax@carellabyrne.com

OF COUNSEL:

Christine J. Siwik
William A. Rakoczy
Paul J. Molino
RAKOCZY MOLINO MAZZOCHI SIWIK LLP
6 W. Hubbard Street, Suite 500
Chicago, IL 60654

CERTIFICATION OF SERVICE

I hereby certify that on June 21, 2010, copies of the foregoing Notice of Motion and supporting documents were served by electronic filing and electronic mail upon the following:

John F. Brenner
Melissa Anne Chuderewicz
PEPPER HAMILTON LLP
Suite 400
301 Carnegie Center
Princeton, New Jersey 08543-5276
(609) 452-0808

Laura P. Masurovsky
Robert D. Bajefsky
M. Andrew Holtman
Krista E. Bianco
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
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Charles E. Lipsey
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GARRETT & DUNNER, LLP
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Jennifer S. Swan
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
3300 Hillview Avenue
Palo Alto, California 94304
(650) 849-6600

Attorneys for Plaintiff

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

s/ James S. Richter
James S. Richter

Dated: June 21, 2010